

year and do something about it. I will continue to come down to the floor and share these stories, share some of these charts, share some of the data, in the hope that it will inspire this body to break out of its ice of indifference—as somebody coined the phrase before me—and do something.

I understand we are not likely to get a vote on background checks between now and the end of the year, but there is a big bipartisan mental health bill we can debate on the floor before we wrap up for the year. This Senator would submit to you that is not the answer for the epidemic of gun violence, but it would help. If you create more inpatient beds and more outpatient capacity, a lot of the very disturbed individuals who take these demons that exist inside them and turn them into an act of massive violence—that mental health reform bill could help them. It would just be the beginning of the work we have to do, but it would be a very important beginning.

At some point the U.S. Senate, the greatest deliberative body in the world, an organization that claims to represent the will of the people, will have to start paying attention to the voices of these victims and the overwhelming majority of the American public who want us to honor them.

I yield back.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

RELATING TO THE DEATH OF ANTONIN SCALIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. Res. 374, which the clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 374) relating to the death of Antonin Scalia, Associate Justice of the Supreme Court of the United States.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. MORAN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Texas (Mr. CORNYN), the Senator

from Texas (Mr. CRUZ), the Senator from Florida (Mr. RUBIO), and the Senator from Mississippi (Mr. WICKER).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted “yea” and the Senator from Florida (Mr. RUBIO) would have voted “yea.”

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from Missouri (Mrs. MCCASKILL), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

The PRESIDING OFFICER (Mr. HOEVEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 26 Leg.]

YEAS—93

Alexander	Flake	Murphy
Ayotte	Franken	Murray
Baldwin	Gardner	Nelson
Barrasso	Gillibrand	Paul
Bennet	Graham	Perdue
Blumenthal	Grassley	Peters
Blunt	Hatch	Portman
Boozman	Heinrich	Reed
Boxer	Heitkamp	Reid
Brown	Heller	Risch
Burr	Hirono	Roberts
Cantwell	Hoeven	Rounds
Capito	Inhofe	Sasse
Cardin	Isakson	Schatz
Carper	Johnson	Schumer
Casey	Kaine	Scott
Cassidy	King	Sessions
Coats	Kirk	Shaheen
Cochran	Klobuchar	Shelby
Collins	Lankford	Stabenow
Coons	Leahy	Sullivan
Corker	Lee	Tester
Cotton	Manchin	Thune
Crapo	Markey	Tillis
Daines	McCain	Toomey
Donnelly	McConnell	Udall
Durbin	Menendez	Vitter
Enzi	Merkley	Warner
Ernst	Mikulski	Warren
Feinstein	Moran	Whitehouse
Fischer	Murkowski	Wyden

NOT VOTING—7

Booker	McCaskill	Wicker
Cornyn	Rubio	
Cruz	Sanders	

The resolution (S. Res. 374) was agreed to.

The PRESIDING OFFICER. Under the previous order, the preamble is agreed to.

(The resolution, with its preamble, is printed in the RECORD of February 24, 2016, under “Submitted Resolutions.”)

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table.

The Senator from Oklahoma.

MORNING BUSINESS

Mr. LANKFORD. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Maryland.

FILLING THE SUPREME COURT VACANCY

Ms. MIKULSKI. Mr. President, I rise to speak in morning business on an issue before the American people, and that is the Supreme Court vacancy.

I rise today to express my very deep, deep disappointment in my Republican colleagues for vowing to block President Obama’s nomination—vowing to block President Obama’s nominee for filling the vacancy on the Supreme Court.

Each and every Senator serving in this Chamber was elected by the American people, and we took an oath to uphold the Constitution. In this matter, the Constitution is very clear. Article II, section 2 says the President “shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . Judges of the supreme Court.”

It doesn’t say the President only has an hour and a half left. It doesn’t give a time limit to the President. If you are a President and you have a 4-year term, you have the authority and duty to exercise your obligations under the Constitution for a full 4 years, and the Senate has a duty to provide advice and consent. There are no waivers for election years. I urge my colleagues: Do your job. Follow the Constitution and live up to the Constitution. The Constitution doesn’t say: In an election year, delay, delay, delay. The word “delay” doesn’t even appear in the Constitution, in the hope that one day you will get your way.

Republicans have said that the Senate must wait until the people have spoken by electing a new President in November. The American people have spoken. They elected President Obama in 2008, and they reelected him in 2012. Barack Obama is our President from now until noon on January 20, 2017. If the Founders wanted a 3-year term for the President, they would have written that in the Constitution, but they mandated 4 complete years.

Now the other party wants to deny the President the legitimacy and authority of his office. Even George Washington had his nominee considered during a Presidential election year and had three of his candidates confirmed. What was good enough for the first Congress under George Washington should be good enough for this Congress now under President Obama.

President Obama and I will both be closing our offices in January of 2017, but that doesn’t mean we are done working for the American people today. There is a lot of work to be done. President Obama has the constitutional duty to submit a nomination in order to fill the vacancy left with Justice Scalia’s passing. This duty is not suspended in an election year. The Constitution is clear about the President’s authority. The President must fulfill his duty, and we must do our job. The issue is not about Executive orders or checking Executive powers or interpreting law books; it is about following the Constitution.